REMARKS

The present amendment and remarks are in response to the office action entered in the above-identified case and mailed on August 7, 2008. Claims 1-20 are pending in the application. Claims 19 and 20 stand rejected under 35 U.S.C. § 101 as being directed toward non-statutory subject matter. Further, claims 1-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,449,715 (Krivoshein) in view of U.S. Patent No. 7,266,812 (Pagnano). With regard to the rejection under 35 U.S.C. § 101 Applicant has amended claims 19 and 20 to describe patentable subject matter. With regard to the rejection of claims 1-20 as being unpatentable under 35 U.S.C. § 103(a) over Krivoshein in view of Pagnano, Applicant respectfully traverses.

Rejections Under 35 U.S.C. § 101

With this response claim 19 has been amended to include a computer readable medium on which the various modules described in the claim are stored. When executed by a computer the software instructions provide a number of functional modules associated with providing communications between one or more process applications and a plurality of process control devices. Applicant respectfully submits that with these changes claims 19 and 20 satisfy the requirements of 35 U.S.C. § 101 and should be allowed.

Rejections Under 35 U.S.C. § 103(a)

To establish prima facie obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. In Re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

In the present case, claims 1-20 are not unpatentable under 35 U.S.C. § 103(a) because, even when combined, Krivoshein and Pagnano do not teach every element of any claim pending in the application.

A common feature of the claims pending in the application is either the step of, or some means for, receiving a device description identification at a host system from a first process control device. The device description identification identifies a device description which is used by the host system to communicate with the first device. The host system then downloads a device description associated with the device description identification and

updates a host application with the device description. Neither Krivoshein nor Pagnano teaches or suggests these features of the claimed invention.

According to the office action, Krivoshein teaches sending a first command from a host system to a device to request a device description identification at column 3, lines 52-67, and column 21, line 65-column 22, line 9. A careful reading of these passages, however, reveals that Krivoshein teaches no such things. Krivoshein column 3, lines 54-67 teaches placing a configurator in a host work station. The configurator is enabled to use data stored in a configuration database. This allows a user to input information pertaining to each device in the remote I/O networks of a process control system. The user need only enter the information once to have the information integrated with the configuration information pertaining to other devices within the process control system. This enables the automatic documentation of the information in the same way information pertaining to other devices in the process control system is documented, namely in a hierarchy such as a windows explorer-type tree, to have the remote I/O network devices automatically configured.

Krivoshein teaches that a user may select or create a device revision for a Profibus device in a configuration hierarchy. (Col. 21, line 65-col. 22, line 9). An input interface provides a screen that presents a device revision dialog box. The user may provide a description of the device revision, and a user input routine may access the device's GSD file to obtain the object type, the identification number, and the hardware and software release of the device revision.

Nowhere in the above cited passages is any feature or step described that even remotely resembles sending a first command from a host system to a device to request a device description identification. According to the claims of the present application the host application requests a device description identification directly from the device itself and receives the device description identification from the device. The device description identification identifies the device description that the host application needs to communicate with the device. The host system then downloads the identified device description and updates the host application with the device description. This feature of the invention simply is not taught or suggested by Krivoshein.

The Examiner further points to Pagnano col. 2, lines 45-52, and col. 5, lines 5-40, as teaching downloading a device description associated with a received device description

identification, and using the device description identification to download the device description. Pagnano, however, actually teaches converting a proprietary language device description file associated with a field device into a non-proprietary language device description file using a web service. (Pagnano, Col. 2, lines 45-51). A first processing system may receive a particular proprietary language device description file associated with a particular type of field device from a third processing system. (Pagnano, Col. 4, lines 64-67). The first processing system may then convert the proprietary language device description file and/or device description source code into a non-proprietary language device description file. The first processing system can also transmit the non-proprietary language device description file to a second processing system. The second processing system can use the Simple Object Access Protocol (SOAP) to request the web service to be used for transmitting the non-proprietary language device description file. Somehow the Examiner equates the second processing system using SOAP to request a web service to be used for transmitting a non-proprietary language device description file, with downloading a device description associated with a device description identification using the device description identification itself. Applicant fails to see the equivalence. Pagnano simply does not teach receiving a device description identification from a device and downloading a corresponding device description using the device description identification.

Krivoshein and Pagnano, alone or in combination, do not teach or suggest receiving a device description identification at a host system from a process control device and downloading a device description associated with the device description identification using the device description identification. Because the prior art references fail to teach or suggest these claimed features of the invention, the claims are not unpatentable under 35 U.S.C. § 103(a).

In light of the above arguments, as well as the amendments to claim 19. Applicant respectfully requests that the Examiner withdraw the rejections to the claims and allow the application to issue. If there are any questions regarding the present response the Examiner is encouraged to call the Applicants attorney at the number provided below.

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Respectfully submitted,

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